



Representative Spencer Roach
Representative Jenna Persons-Mulicka
Representative Adam Botana
Representative Bob Rommel
Representative Mike Giallombardo

Senator Kathleen Passidomo
Senator Ben Albritton
Senator Ray Rodrigues
Representative David Borrero
Representative Lauren Melo

4 August 2021
Col. Andrew Kelly
701 San Marco Blvd
CESAJ-DE
Jacksonville, FL 32009

RE: Lake Okeechobee System Operating Manuel

Dear Colonel Kelly:

On behalf of the Lee, Collier, and Hendry County legislative delegations and the hundreds of thousands of Florida citizens we represent, we are writing to express our concerns with the U.S. Army Corps of Engineers (“Corps”) recent decision on the selection of a preliminary preferred plan for the Lake Okeechobee System Operating Manual (“LOSOM”), which will replace the Lake Okeechobee Regulation Schedule 2008 (“LORS08”). The preliminary plan falls short in protecting the water resources of the Caloosahatchee River and Estuary. Furthermore, it fails to meet the environmental Minimum Flow and Level (“MFL”) requirements of Florida law, and does not restore the water supply assurances to millions of Floridians lost with LORS08.

We are concerned that the Corps selected a preliminary preferred plan for LOSOM that results in the highest volume of harmful discharges to the Caloosahatchee River and Estuary, even above the existing LORS08 schedule. After spending 1.8 billion dollars to repair the Lake’s dike and expecting that LOSOM would result in a better schedule than LORS08 for the Caloosahatchee River and Estuary, we are dismayed that the Corps is considering a plan that instead increases harmful discharges to our community. This is

particularly disappointing because the Corps passed over a plan that is superior in protecting and restoring the Caloosahatchee River and Estuary. Under the preliminary LOSOM Plan CC, the Caloosahatchee Estuary (from S79 to Shell Point) receives damaging or stressful flows greater than 38% of the period of record, leaving little chance for the estuary to recover. This produces chronic ecological impacts to critical habitat including oyster reefs and sea grass beds. The increased total flow volume also increases total nutrient loading, impacting our TMDL. This is unacceptable.

Moreover, the State of Florida has the fundamental legal right to allocate water within its borders. The LOSOM preliminary plan CC adversely affects the water supply performance of millions of south Floridians and countless businesses, because it does not deliver the 1 in 10 level of water supply performance, as required under Chapter 373, F.S. To exacerbate the problem, some advocates are requesting the removal of the zone above the water shortage line to allow the Corps to dictate water releases contrary to the Lake's authorized project purposes. The zone above the water shortage line must remain within the purview of the State to protect our water supply program and the Lake's health. Otherwise, the Federal Government will be infringing on the State's right to allocate water.

Furthermore, the LOSOM preliminary plan CC, will result in violations of Florida's Lake Okeechobee MFL Rule. Lake Okeechobee was meeting its MFL when LORS08 was adopted. LORS08 resulted in the MFL being violated due the frequent low Lake levels it causes. The MFL recovery strategy heavily relies on the development of a LOSOM schedule that meets the MFL once the dike rehabilitation is completed. It is disappointing that the preliminary LOSOM plan CC, does not return the Lake Okeechobee MFL to prevention status, as required by District rule, even though the Dike will be repaired.

Therefore, we urge you to take the following steps to improve and optimize the final LOSOM plan:

- In evaluating potential Lake schedules all discharges to the Caloosahatchee River and Estuary should be measured at the Franklin Lock S-79;
- Future lake operations should be limited to discharges of no more than 2,100 CFS at S-79 wherever possible and, when not possible, a fair distribution at all outlets should be followed;
- Zone D must include releases to the St. Lucie Estuary using the same east/west proportion as under LORS 08. Benefits of sending water south and storing water in Lake Okeechobee must be shared;
- Specific to releases decisions to the Caloosahatchee River and Estuary, Zones E and F should be combined into one zone with up to 500 CFS released to the Caloosahatchee Estuary all the way down to the Water Shortage Zone until the C-43 reservoir is in operation. At such time, the efficacy of discharges will reevaluated in light of the C-43 operations, MFL performance, and risk of water shortage.
- The Army Corps should look to SFWMD modeling and improve upon it to find improvements to address our concerns;
- In analyzing impacts to the Caloosahatchee, the Corps needs to look at metrics in addition to the 14-day moving average, such as daily flow, men monthly flow and total volume;
- The Army Corps must not interfere with the State's fundamental legal right to allocate water; and
- The Lake Okeechobee MFL should be met to the maximum extent practical.

The health of our Estuary is of paramount importance to our community. It is also critical that the fundamental rights of the State of Florida to allocate water to its users is not usurped by the Federal Government. We have enjoyed a long history of jointly implementing and operating the Central and South Florida Project as well as the Comprehensive Everglades Restoration Plan. We look forward to continued work together and urge you to meet our request.

Sincerely,



Representative Spencer Roach



Senator Kathleen Passidomo



Senator Ray Wesley Rodrigues



Representative Adam Botana



Representative Bob Rommel



Representative Jenna Persons-Mulicka



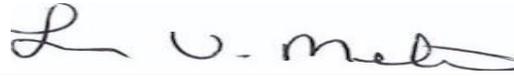
Senator Ben Albritton



Representative Mike Giallombardo



Representative David Borrero



Representative Lauren Melo